

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and
FACEBOOK, INC.,

Defendants.
----- x

:
: Civil Action No. 1:10-cv-00569-
: RJA

:
: **SUPPLEMENTAL**
: **DECLARATION OF BRYAN J.**
: **ROSE IN SUPPORT OF**
: **DEFENDANTS' MOTION FOR**
: **EXPEDITED DISCOVERY**

I, Bryan J. Rose, declare and state as follows:

1. I respectfully submit this declaration to correct a misstatement made by Plaintiff Paul Ceglia in his Memorandum of Law In Opposition to Defendants' Motion for One-Sided Expedited Discovery and In Support of Plaintiff's Cross-Motion for Mutual Expedited Discovery ("Cross-Motion").

2. On page 15 of his Cross-Motion, Plaintiff states that, in my Declaration submitted to the Court on June 2, 2011, I "admit[ted] that, upon comparison of Zuckerberg's Harvard Email Data from April 2011 and October 2010, an unspecified number of emails were deleted from Zuckerberg's Harvard Account." I said no such thing. I did not identify or detect any "deleted" emails.

3. As I explained in my prior Declaration, on April 15, 2011, Stroz Friedberg made a complete and accurate copy of the entire contents of Mr. Zuckerberg's Harvard email account as it resided on Harvard's server at the time of collection, including both sent and received email (the "April 2011 Harvard Email Data"). In addition, Harvard University provided Stroz

Friedberg with a copy of Mr. Zuckerberg's Harvard email account as it resided on Harvard's server in October 2010 (the "October 2010 Harvard Email Data").

4. In our initial comparison, Stroz Friedberg identified 17 emails that appeared to be present in the October 2010 Harvard Email Data, but did not appear to be present in the April 2011 Harvard Email Data. This comparison was conducted using an automated process called "deduplication."

5. I have now manually confirmed that all of these 17 emails are, in fact, present in the April 2011 Harvard Email Data. The reason that the 17 emails appeared to be present only in the October 2010 Harvard Email Data was a result of minor formatting differences and technical issues. For example, some of the emails had extra white space in the Subject line.

6. In summary, every email in the October 2010 Harvard Email Data is present in the April 2011 Harvard Email Data. No email from the October 2010 Harvard Email Data has been deleted or lost.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 24th day of June, 2011 at New York, New York.


BRYAN J. ROSE